



ACT
Government

**Asbestos Response
Taskforce**

The Loose Fill Asbestos Insulation Eradication Scheme

A Guide to the Voluntary Buyback Program

Introduction

The Eradication Scheme

The ACT Government's Loose Fill Asbestos Insulation Eradication Scheme (Eradication Scheme) is designed to eradicate the ongoing exposure risks from the continuing presence of loose fill asbestos insulation in Canberra houses. This will be achieved through the demolition of all affected houses and site remediation.

Under the Eradication Scheme the ACT Government has offered to purchase all affected Canberra houses to enable government facilitated demolition and site remediation. Remediated blocks will be offered for sale in due course to assist in defraying overall Eradication Scheme costs.

Financial assistance toward demolition or future expenses is not available to homeowners who choose not to participate in the Buyback Program, or those who purchased an affected house after 28 October 2014.

The Buyback Program

Under the Buyback Program, the ACT Government offers to buy all houses in the ACT affected by loose fill asbestos insulation. The buyback offer is at market value as if the house does not contain loose fill asbestos insulation. Participation in the Buyback Program is voluntary.

The Buyback Program seeks to accommodate the individual circumstances of affected individuals and families, including in relation to assistance for those who wish to stay in their homes in the medium term, against the backdrop of the need for all affected homes to be demolished in that same time frame.

With this in mind, compulsory acquisition processes under ACT legislation are not being undertaken at this stage.

The Asbestos Response Taskforce (Taskforce) is currently investigating, and will provide advice on, regulatory options for intervention where affected homeowners have not accessed the Buyback Program. An interim summary of likely options is outlined in the Eradication Scheme policy framework (refer to 'Where to go for additional information?' at the end of this guide).

Purpose of this guide

The purpose of this guide is to set out information on the Buyback Program and will be used by the Taskforce to assess and process applications.

This guide is aimed at Eligible Homeowners. The guide only applies to affected houses on blocks of land with their own individual Crown lease.

Units Plans

This guide does not apply to units in a Units Plans governed by the *Unit Titles Act 2001*. While the Buyback program extends to unit-titled properties and the same principles apply to the owners, the number of such affected houses is small. The surrender of lease process cannot be undertaken for unit-titled properties. The Taskforce will deal individually with each affected owner of a unit-titled property.

What is an affected block?

An affected house is a house that contains, or has contained, loose fill asbestos insulation (“Mr Fluffy” insulation).

Most affected houses were part of the loose fill asbestos insulation removal program undertaken by the Commonwealth and ACT Governments between 1988 and 1993.

An affected block is the land (that is the subject of a Crown Lease) on which the affected house is built. Only the Taskforce determines whether a block is an affected block.

The Taskforce has compiled and manages a list of affected blocks.

Who is an Eligible Homeowner?

Essentially an Eligible Homeowner is the person who owns an affected block.

In legal terms, the Eligible Homeowner is the person who was the registered Crown Lessee of an affected block as at 28 October 2014 and remains the registered Crown Lessee at the time of the surrender of the affected block. Where two or more people are the Crown lessees, as tenants in common or joint tenants, they are all Eligible Homeowners of that affected block.

In addition, other persons may be considered by the Taskforce to be Eligible Homeowners regardless of whether their interest arose before or after 28 October 2014. This might include:

- persons who became the registered Crown Lessee of an affected block as a result of inheritance from a deceased estate
- trustees (including executors of deceased estates)
- persons who have become the registered Crown Lessee of a affected block as a result of a settlement or orders made under the *Family Law Act 1975*

- mortgagee in possession of an affected block due to default by the registered Crown Lessee, and
- a liquidator, trustee in bankruptcy, administrator or other external administrator of registered Crown Lessee of an affected block.

The Taskforce will consider these applications on a case by case basis.

A person or company that purchases an affected block after 28 October 2014 has no entitlement to any assistance under the Scheme and is responsible for all costs associated with maintenance and/or demolition of the affected house.

What do you get?

Under the Buyback Program, on surrender of the Crown lease for the affected block, you will receive:

- The value of your affected block (house and land) as at 28 October 2014 including improvements. That value will be determined in accordance with the valuation process set out in this guide.
- An additional \$1,000 (inclusive of GST) to cover or contribute to legal fees incurred in attending to the surrender.
- A right to a waiver of stamp duty on a residential property purchased in the ACT, up to the value of the stamp duty calculated as if it was payable on the affected block (as valued).
- A first right of refusal to purchase the affected block (at full market value, to be determined at the time of purchase) after it is remediated.
- Other benefits as outlined on the Taskforce's website from time to time (the Taskforce is seeking assistance for Eligible Homeowners from local businesses, lending institutions and service providers).
- When the affected block was purchased under a contract exchanged after 18 February 2014 different rules will apply. The valuation process will not be used. The Crown Lessee will be paid the amount it paid for the affected block. Generally, the Crown Lessee will not be entitled to a waiver of stamp duty or a right of first refusal. The Taskforce will consider submissions from Crown Lessees who fall within this category.

What do you give up?

In exchange for the benefits that are provided by the Territory above, you will give up certain rights in respect of the affected block.

- The interest in the affected block is surrendered. You will no longer be the Crown lessee i.e. you will no longer own the house and land, or be entitled to live in the house or on the land. The surrender is equivalent to the sale of residential property.

- A condition of the buyback offer is that you waive your right to pursue legal action against the Territory and the Commonwealth in relation to any financial loss as a result of purchasing, living in or any other interest in the affected block. This waiver does not include any sickness or health claims that you or any other person may have as a result of living in or being exposed to contamination in the home.

How to Apply

You may apply to the Taskforce to surrender your affected block in accordance with this guide..

You (and all Eligible Homeowners for the affected block) must complete and sign the Application Form and

send it to:

The Asbestos Response Taskforce
Buyback Program
GPO Box 158
Canberra City ACT 2601

or

email it to: asbestostaskforce@act.gov.au (a scanned fully signed copy must be provided)

To participate in the Buyback Program, you must lodge an application **by 30 June 2015**. Applications received after that date will not be accepted.

If the Application is rejected or you do not comply with the necessary steps to surrender the affected block in time, the Application will be set aside and you will have to make a new Application. If this occurs after the closing date for the Buyback Program, you will not be able to make a new Application and will not be able to participate in the Buyback Program.

What you need to do

If you are an Eligible Homeowner, to apply to surrender your affected block you will need to complete and provide the Buyback Program Application form. You may be requested to provide additional information.

The form includes an authorisation for the Taskforce to provide your details, and details of the affected block, to the Australian Property Institute ACT Division (API), independent valuers and directorates, the Territory's legal representatives, departments and agencies in the Territory, Commonwealth and state and local governments for the purposes of facilitating the Eradication Scheme and managing health and other risks posed by asbestos contamination.

Privacy

In making your application you will need to provide the Taskforce with personal information including:

- your name, address and other contact details, and
- your interest in accessing the Buyback Program (ie. are you the Crown Lessee or, if not, what other circumstances give rise to your application?)

The Taskforce will need to share some or all of this information with a number of government directorates, departments, agencies and bodies as well as independent valuers, legal practitioners and other parties engaged to deliver the Buyback Program, for the purpose of administering the Scheme and any related matters including managing asbestos contamination.

You are required to acknowledge this as part of your application and you may review the Privacy Policy of the Chief Minister, Treasury and Economic Development Directorate of which the Taskforce is a part at: http://www.cmd.act.gov.au/legal/privacy_statement.

Valuation Process

In making an application under the Buyback Program, you agree to the API arranging for your affected block to be valued by two independent valuers.

You will need valuations unless the affected block was the subject of a completed contract of sale entered into between 18 February 2014 and 28 October 2014. In that case, the value set out in the contract of sale will be the value of the affected block for the purposes of the Buyback Program. In all other cases, soon after your application is accepted, you will be contacted by two valuers to arrange a time to attend your home to value it.

As the valuers will need access to your home, you will need to arrange a time with each of them to attend and for somebody to allow access and inspection. You should provide the valuers with any asbestos assessment report you have for the affected home. If the Taskforce holds an asbestos assessment report it may provide this to the API for the information of the allocated valuers. It is possible valuers may wear personal protective equipment during the valuation of some homes.

Market value

The valuers will assess your house and land at market value at 28 October 2014, the date this Buyback Program was announced, regardless of when the valuations occur.

The valuer will ignore the presence of loose fill asbestos and minor maintenance or presentation issues, especially where homes have been vacated as a result of asbestos contamination. Please do not return to vacated homes to attend to internal presentation issues.

There is no need for you to undertake cosmetic and minor improvements before the valuations, for example painting and updating fittings. Anything more than this, such as replacing carpets, window furnishings, benchtops and vanities should **not** be undertaken given the potential risks associated with this work for residents and contractors. In any event these works are likely to require prior building approval and supervision by licensed asbestos experts (regardless of whether you undertake this work yourself or engage a contractor).

As the valuers will value your home as it was on 28 October 2014, any improvements undertaken after that date will not be considered.

The valuation includes fixtures and fittings that would normally pass with the property. Generally, any complete unapproved structures will be valued as approved structures.

The valuation will take into account all other defects and other forms of contamination.

The independent valuation

The two valuations will be undertaken by experienced and qualified valuers selected by the API, a non-government body. The Taskforce has no say in the selection of the particular valuers for each affected block who will be selected based on local area expertise and availability

The two valuers will prepare their reports independently of one another and will provide the reports to you at the same time as they provide them to the Taskforce. The Taskforce will not have access to any draft reports from the valuers.

After both valuations are received by you and the Taskforce, the Taskforce will send you a form notifying you of the results.

The Taskforce will formalise the buyback offer in a draft deed in which the surrender sum will be the average of the two valuations.

Appeals or acceptance

Alternatively you can reject both valuations and at your choice and cost, request a third and binding valuation from a senior valuer appointed by the President of the API. This is known as a "Presidential Determination". You will be bound by this determination, even if it is lower than the average of the first two.

If you request a Presidential Determination, you will be required to pay the cost of that valuation.

If you wish to provide any further evidence or material that you wish to be considered as part of the Presidential Determination (for example, other valuations, receipts or invoices of works done to the affected block or submissions you have prepared), you will need to provide those documents at the time you make the election to the API.

If you wish to proceed with the surrender, you will need to elect which of these options you take by checking the appropriate box on the form and returning it to the Taskforce by post or email. Further information will be provided to assist you in reviewing your choices after the valuations are received.

Alternatively you may advise that you do not wish to proceed with the surrender process any further.

You have 60 working days to return the form to the Taskforce. If you do not return the form within that time, your application may lapse and you may have to commence the process again with a new

application. Applications will not be accepted after 30 June 2015. If an application has not been received by the Taskforce by that date you will not be able to participate in the Buyback Program.

If there is a difference of ten percent or more in the two valuations, the Taskforce may request a Presidential Determination. In that case, the Taskforce will pay the costs of the Presidential Determination.

If the Taskforce does seek a Presidential Determination, you will be sent a different form notifying you of this election and setting out details of the process. This will include your right to provide additional material to support your views on the fair value of the affected block (see above).

If either party requests a Presidential Determination, the API President will appoint a senior valuer (not involved in the first two valuations) to conduct a third and final valuation. The Presidential Valuer will make an appointment with you to undertake a further inspection of the affected block.

The Presidential Valuer will assess the market value of the affected block on the same basis as the initial valuers, however, in addition to their own inspection, the person conducting the Presidential Determination will have access to the two initial valuations and will take them into consideration in preparing a valuation.

Where a Presidential Determination is undertaken, it will determine the value of the affected block and this determination will be final.

You are not entitled to go back and rely on the previous valuations where the Presidential Determination results in a lower assessed value.

Following a Presidential Determination, you will be sent a further form indicating the final valuation and asking you whether you wish to proceed with the surrender. You have 60 working days to make an election and return the form to the Taskforce. If you do not return the form within that time, your application may lapse and you may have to commence the process again with a new application.

Surrender Process

Once the value of the affected block is determined and you have elected to proceed with the surrender process, the Taskforce's solicitor will send you:

- a deed of surrender
- statutory declarations (where applicable), and
- a template certificate of independent legal advice.

You will need to sign the deed and the statutory declarations (where applicable) and have a solicitor complete and sign the certificate of independent legal advice for each Eligible Homeowner of the affected block. To meet your legal costs, the amount you will be paid as part of the surrender will include \$1,000 in addition to the valuation of the affected block.

Please note that the Taskforce's contribution towards your legal costs is \$1,000, regardless of the amount your solicitor charges you and any applicable Goods and Services Tax (GST).

You will need to provide the documents back to the Taskforce within 60 working days of receiving them, otherwise your application may be rejected or lapse and you may have to lodge a new application.

Once you have provided the documents to the Taskforce, our solicitors will provide you (or your solicitor, if you choose) with a counterpart deed of surrender executed by the Territory and work with you to complete the surrender of the affected block and pay you the surrender sum.

The Taskforce estimates the date of surrender will be 20 working days from the date you return the executed deed and completed solicitor's certificate. If you are in a position to surrender in less than 20 working days, the Taskforce will make every effort to accommodate your request. Prior to entering into the surrender deed you may request a longer period in which to complete. This may be important if you need to find new accommodation or need to coordinate settlement dates on purchase of a new home.

If you have a mortgage or any other person has an interest in the affected block, you will need to arrange for those interests to be removed before or on the surrender date. Your solicitor will be able to advise you of the necessary steps.

If you do not make these arrangements, the Taskforce may not accept the surrender on the scheduled day and you may have to arrange another date for surrender. You may be charged a fee, in line with normal conveyancing practice, reflecting the Territory's legal costs if you fail to surrender within five working days following the scheduled date for surrender.

If you do not complete the surrender process on the scheduled date, the Taskforce may notify you to complete within a further 20 working days. If you still have not surrendered the affected block by that time, the Taskforce may terminate the deed of surrender. You will then need to make a new application if you want to participate in the Buyback Program. You will also have a right to terminate if the Territory does not comply with its obligations under the surrender deed.

If you do have to make a new application, the existing valuation on your affected block will be used. The affected block will not be revalued at the date of the new application – there will be only one valuation process, and all valuations are of the affected property as at 28 October 2014.

Statutory Declarations

Depending on the information that you provide in your application, you may be provided with one or more statutory declarations to be completed by each Eligible Homeowner to establish that:

- you have not exchanged a contract of sale for the affected block as a seller. Legally, this means that the affected block has not been the subject of a sale agreement that was signed but not settled. This includes any contract which was terminated or rescinded whether or not as a result of the discovered of contamination, and/or

- the premises are not currently occupied under a residential tenancy agreement, i.e. that the home is not currently rented or occupied by tenants.

If you have indicated on your application that you have entered into a contract to sell the affected block or indicated that the affected block is currently occupied under a residential tenancy agreement, you will not be required to provide the relevant declaration(s).

If the affected block was the subject of a contract of sale and you have kept any payment in respect of that sale (including all or part of any deposit) the amount to be paid to the Eligible Homeowner you under the Buyback Program will be reduced by the value of those payments and the amount may be paid to the former buyer.

If the affected block is currently tenanted, the Taskforce will need to confirm that vacant possession will be provided to the Territory on the surrender date.

Certificate of Independent Advice

Each Eligible Homeowner will need to provide a certificate of independent legal advice signed by your solicitor. That certificate will confirm the solicitor provided you with advice as to the nature of the surrender and your rights and obligations.

Home contents

The valuation will not take into consideration any removable goods and personal belonging, even if they are contaminated and are left behind on surrender.

Apart from the Relocation Assistance Grant, the ACT Government is not providing assistance to compensate or reimburse for any household goods or possessions.

You or your tenants should make enquiries with your home contents or landlord insurer in relation to the scope and coverage of your insurance policy in relation to household goods and personal belongings.

The Taskforce has provided guidance to in relation to home contents and personal belongings. This can be found at <http://www.act.gov.au/asbestos-response-taskforce>.

Your responsibilities prior to the surrender date

You are still the owner of the affected block until the date of surrender. This means you still have legal obligations to ensure that it is safe and does not pose a risk.

Insurance

The Taskforce strongly encourages you to keep the affected block insured until the date of surrender. While some insurance policies exclude asbestos contamination, insurance is still required, for example, to recover damage as a result of storms, fire, break and entry and vandalism.

General maintenance and hazards

You are required to manage your property and undertake normal maintenance. You should also take prudent steps to minimise potential hazards, especially if you have moved out. You should:

- ensure your warning sticker tag is attached to the switchboard and meterbox as required by law
- undertake routine checks on your property, particularly following storms or high wind
- ensure that the grass is mowed and gutters are cleared to minimise fire risks
- securely lock the premises to deter thieves, vandals, squatters and other uninvited persons
- secure swimming pools and other water features
- ensure that you or other people do not dump waste, garbage or other materials on the affected block, and
- remove any goods you wish to take with you, consistent with the home contents and personal belongings guidelines.

On the date of surrender you are required to hand over a reasonably clean site (save for asbestos contamination and household items you have left behind). The Taskforce may not accept the surrender if the block contains other waste or is unsafe. If settlement needs to be rescheduled because of the condition of the property, (for example, excessive waste or other goods dumped outside the home after 28 October 2014) or safety issues, you may be required to pay additional fees.

You are free to leave any household items that you consider contaminated in the affected house after the date of surrender and the Taskforce will dispose of these as part of the decontamination process (provided such items were part of the contents of the affected block prior to surrender).

Stamp Duty

Eligible Homeowners who surrender an affected block under the Buyback Program are entitled to a waiver of stamp duty on a purchase of a residential dwelling in the Territory. The value of the waiver will be capped at the value of duty that would have been payable on a property of the value determined in the valuation of the affected block under the Buyback Program.

You are entitled to this waiver only if you:

- were a Crown lessee of the affected block prior to 18 February 2014 (including joint tenants and tenants in common)
- were a Crown lessee of the affected block after 18 February 2014 as a result of a contract of sale exchanged prior to 18 February 2014

- became a Crown lessee of the affected block after 18 February 2014 as a beneficiary of a deceased estate, or
- became a Crown lessee of the affected block after 18 February 2014 as a result of a binding financial agreement or orders made under the *Family Law Act 1975*.

Persons who become Eligible Homeowners as a mortgagee in possession of affected blocks, creditors, trustees of bankrupt estates, liquidators and other administrators of affected blocks, or purchased the block under a contract exchanged after 18 February 2014, will not be eligible for the stamp duty waiver upon surrender.

It is important to note that the stamp duty waiver is not available if you are purchasing property interstate and cannot be cashed out if the actual duty payable on your new property is less than the waiver amount.

The stamp duty waiver may only be used once, but is not required to be used on the next purchase of land in the Territory. In particular, if you are planning to buy back your former affected block you may wish to retain the waiver for that purpose even if you buy a new home in the meantime. However if you chose to use the waiver on the purchase of your former block you will be required to declare that you will be using that block for your own occupation (not as an investment property or to on-sell).

To exercise the stamp duty waiver on entering into a contract to purchase a home in the Territory you must claim the waiver when lodging the contract for duty assessment with ACT Revenue.

If the value of the new dwelling exceeds the assessed value of the affected block, you will be liable to pay the stamp duty on the assessed value of the new dwelling, less the amount available under the waiver. The following example is provided to explain how this works:

The agreed surrender sum for the block is \$500,000. Stamp duty payable on that amount is \$15,800. If you choose to buy a new home for a purchase price of \$600,000, the stamp duty on that amount is \$20,800. You may present your waiver to the value of \$15,800 and pay the additional \$5,000.

No credit or refund will be available should the value of the new dwelling be less than the assessed value of the affected block.

A single waiver of stamp duty is available for each affected block regardless of the number of tenants in common or joint tenants who were Eligible Homeowners.

If you were either a joint tenant or tenant in common of the affected block at the time of surrender you must either:

- obtain the consent of all other joint tenants or tenants in common of the relevant affected block at the date of surrender to the use of the waiver on the new purchase, or
- produce orders from a court authorising the use of the stamp duty waiver notwithstanding the absence of consent from all other joint tenants or tenants in common of the relevant affected block at the date of surrender.

You will be required to sign a statutory declaration that the stamp duty waiver in respect of your affected block has not been claimed previously.

Buyback

Once the affected block is surrendered to the Territory it will be secured in preparation for decontamination. This will involve the demolition of all improvements on the block and the removal of contaminated soil and other material.

At present the Taskforce is still working with experts to determine how long this process will take.

Following remediation of the block, the Territory will look to dispose of the block.

If you have indicated a desire to repurchase your block, you will be offered first right of refusal at the market value determined independently for the Territory at the time it is offered for sale. This value will be determined on the best and highest value use of the block determined by expert valuers.

You will be entitled to use your stamp duty waiver on the purchase of your former block, provided you have not used it in the meantime and you will be building a home on that block for your own occupation. This will give you a significant financial advantage over others interested in purchasing your former block, and offsets some of the higher value where a block is suitable for unit-titling or subdivision.

If you do not purchase your former block, the Taskforce will consider whether it is suitable for public housing or other residential use by the Territory or the Commissioner for Social Housing. If not, it will be offered for sale under the Territory's land release program (at auction) to the general public on the same terms that it was offered to you.

Where to go for additional information?

There are a number of documents supporting the Eradication Scheme and the Buyback Program which are available on the Taskforce's website <http://www.act.gov.au/asbestos-response-taskforce> :

- the rationale underpinning the Eradication Scheme are set out in the Asbestos Response Taskforce's Report: *Long Term Management of Loose Fill Asbestos Insulation in Canberra Homes* (the Taskforce Report)
- a detailed policy framework for *The ACT Government's Preferred Way Forward on Loose Fill Asbestos Eradication Scheme: Supporting Detail*

an overview of the Eradication Scheme is provided in *The ACT Government's Preferred Way Forward on Loose Fill Asbestos Eradication Scheme: Overview*

Frequently Asked Questions

Is the Buyback Program compulsory?

No. The Buyback Program is voluntary. If you apply to participate in the program you will be provided with independent valuations of your homes. Those valuations will help you to make an informed choice about your future options.

Will the government compulsorily take my house later?

The ACT Government is not pursuing compulsory acquisition of affected houses at this stage. However, the goal of the Eradication Scheme is to demolish all affected houses.

The government already has the ability to compulsorily acquire land and/or order the demolition of buildings that pose a significant risk to health and safety.

The ACT Government reserves the right to exercise powers to compulsorily acquire and/or condemn affected homes in the future in accordance with the relevant statutory processes.

What if I want to stay in my home?

The ACT Government recognises that some individuals and families will choose to remain in an affected home in the medium term. The Taskforce will provide detailed advice to those families in relation to necessary interventions to prevent the entry of asbestos fibres into the living areas.

These interventions will have a significant impact on the amenity of affected homes and will extend well beyond the short term remediation of identified hazards currently being undertaken in response to asbestos assessments to, in short, sealing of all possible entry points for fibres. They will also likely involve significant ongoing vigilance and testing.

Those obligations will be made mandatory in 2015 under the *Dangerous Substances Act 2004*, and the costs for undertaking such works on homes (whether part of the Buyback Program or otherwise) will not be reimbursed by the Taskforce.

Homeowners choosing to remain in their home in the medium term will – consistent with current requirements – require building approval to undertake any kind of maintenance or renovation work, and works not associated with minimisation of asbestos exposure risks will not be approved by the Environment and Planning Directorate. Owners of affected homes will be subject to ongoing obligations under the *Dangerous Substances Act 2004* and the *Work Health and Safety Act 2011* in relation to the safety of workers and other visitors to their homes.

Do I need to use a solicitor?

The Taskforce strongly recommends you engage a solicitor to assist you with the surrender process. However, you are required to at least obtain independent legal advice from a qualified legal practitioner holding a current practising certificate in respect of the terms of the deed of surrender as they relate to the waiver of future legal action against the Commonwealth and Territory in relation to the property (but not personal injury).

How long will it take?

The Taskforce is committed to processing applications as quickly and efficiently as possible. The time to complete the surrender process will depend on a number of factors including:

- the number of applications being processed
- the independent valuers and ability to arrange a suitable time for valuations
- appeals and complaints processes
- third parties, including banks, solicitors and tenants.

The Taskforce will publish on the website the average times for processing applications as they become known.

At this stage it is anticipated that the processes from application to surrender will be between 6 and 12 weeks in duration, depending on the factors listed above.

The Taskforce will make every effort to fast track applications in extenuating circumstances.

If you would like to arrange for surrender of your affected block to coincide with your purchase of another property, this can be negotiated when you provide your signed deed of surrender.

Can my application be prioritised?

Yes. Generally applications for the Buyback Program will be processed as far as possible in order of receipt by the Taskforce. However the Taskforce may prioritise applications, at any phase, having regard to safety and the individual circumstances of Eligible Homeowners.

Again, all attempts will be made to fast track applications in extenuating circumstances. If you believe that your application should be fast tracked due to your particular circumstances, you should provide this information in Part 9 of the application form.

Why do you need to know if I had a contract to sell the affected block?

The Taskforce is aware that some affected blocks were the subject of contracts for sale, which were interrupted by the discovery of contamination. In these circumstances, some buyers elected not to proceed with the sale and forfeited their deposit.

The Taskforce considers that the fair thing to do in these situations is to pay the Eligible Homeowner the value of the affected block, less the deposit they kept from the buyer. The Taskforce will pay the retained amount to the buyer to compensate for the forfeited deposit.

Of course, where the Eligible Homeowners refunded the deposit to the buyer, they will be entitled to the full value.

Will the Taskforce negotiate the surrender price?

No. The price is determined by the independent valuation process. You are entitled to seek a review of the two independent valuations through the Presidential Determination process.

What may I take from the home?

The Taskforce will be flexible in relation to the removal of plants and separate structures from the gardens of affected blocks. No materials forming part of an affected house are able to be removed as they are contaminated.

Is my property a single residential block?

If your dwelling is not part of a registered Units Plan under the *Unit Titles Act 2001*, your block is a single residential block.

This is the case even if there is more than one house on your block, for example if you have a second dwelling or a granny flat. In situations where two or more dwellings have been built on a single block and they are not part of a Units Plan, the buyback will apply to all houses on the block and the improvements would be valued accordingly.

What about affected properties that are part of a Units Plan?

These guidelines only apply to blocks of land with their own individual Crown lease. They do not apply to units in a Units Plans governed by the *Unit Titles Act 2001*. A separate set of guidelines will be issued for units.

Please note that the principles for the buyback of a unit in a Units Plan are the same, however it is not possible to effect the buyback through the surrender process.